

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
OXFORD DIVISION**

**JAMES M. GARDNER**

**PETITIONER**

**v.**

**No. 3:23CV140-NBB-DAS**

**STATE OF MISSISSIPPI, ET AL.**

**RESPONDENTS**

**ORDER OF DISMISSAL**

The court takes up, *sua sponte*, the dismissal of this cause. On May 9, 2023, the court entered an order requiring the petitioner to submit an amended petition on the form provided by the court within 21 days. The court cautioned the petitioner that failure to comply with the order would result in the dismissal of this case without prejudice. Despite this warning, the petitioner has failed to comply with the court's order, and the deadline for compliance passed on May 30, 2023. This case is therefore **DISMISSED** without prejudice for failure to prosecute and for failure to comply with an order of the court under FED. R. CIV. P. 41(b).

**SO ORDERED**, this, the 2nd day of August, 2023.

/s/ Neal Biggers  
NEAL B. BIGGERS  
SENIOR U. S. DISTRICT JUDGE